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21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA  
 23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.

25 Plaintiff,

26 v.

27 GOOGLE INC.,

28 Defendant.

Case No. 3:10-cv-03561-WHA

**JOINT PROPOSED SUPPLEMENTAL  
COURT VOIR DIRE**

Dept.: Courtroom 8, 19th Floor  
 Judge: Honorable William H. Alsup

Plaintiff Oracle America and Defendant Google jointly request that the following questions be asked of potential jurors during *voir dire* pursuant to Rule 47(a) of the Federal Rules of Civil Procedure, to the extent these topics and questions are not covered by the Court's customary *voir dire* or Juror Questionnaire. Counsel requests that follow-up questions to seek explanation for any "Yes" responses to the questions below be handled at sidebar, as appropriate. Counsel also requests leave to orally tender supplemental questions as may be necessitated by the answers of prospective jurors in oral *voir dire*.

**I. INDIVIDUAL BACKGROUND QUESTIONS**

*(Have each prospective juror, beginning with the first called, stand and answer:)*

1. Please state your name, the name of the county in which you live, and the city where you live.
2. Describe your current job and employer, including whether you're working full-time or part-time, and what your responsibilities are at work.
  - a. If you are not working outside the home, what was your last job and employer, and what do you do now? For example, are you a student (Where do you attend school, and what are you studying?), a homemaker (Have you ever worked outside the home?), retired (If you are retired, what was your last occupation and employer?), disabled (If you worked before you became disabled, what was your last job and employer?), or currently unemployed and looking for work (If you are looking for work, state the type of work you are seeking.)?
  - b. What do you (did you) like best about your job? What do you (did you) like least?
  - c. If your current occupation is different than what you've done for the majority of your adult life, what has been your primary occupation?
3. If you are married or living with a partner, what is his or her current occupation and employer, and his or her job responsibilities at work? If not working, what does he or she do now, and what did he or she do before?

- 1           4.     If you have any children, what are their ages, and what are the occupations of any
- 2                 adult children?
- 3           5.     Describe the occupations and employers of any other adults living in your
- 4                 household, and explain your relationship to them.
- 5           6.     If you have any licenses (besides a driver's license), certificates, or college
- 6                 degrees, please explain, including your major area of study
- 7                 a.     How far did you go in school
- 8                 b.     What was your favorite subject?
- 9           7.     Describe some of your spare time activities, hobbies or areas of interest
- 10                a.     What are some of your favorite television shows?
- 11                b.     What magazines, if any, do you read regularly
- 12                c.     What book or movie have you read or watched in the last 3 months that
- 13                       stands out for you? Why?
- 14           8.     What social, civic, charitable, industry/trade associations, or other organizations do
- 15                 you belong to?
- 16           9.     Have you previously served as a juror?
- 17                 a.     If yes, how many times and when, if you recall?
- 18                 b.     Civil, criminal, or both? What was the type of case? (e.g., contract
- 19                       dispute, personal injury, etc.) Was the trial in state or federal court?
- 20                 c.     Were you ever the foreperson?
- 21                 d.     Did the jury reach a decision in every case?
- 22                 e.     Did your experience as a juror affect your view of the justice system? If
- 23                       yes, explain.
- 24           10.    Have you or anyone close to you ever been involved in a lawsuit?
- 25                 a.     Was it as the plaintiff, the defendant, a witness, or something else?
- 26                 b.     What kind of case was it? What were the circumstances?
- 27                 c.     When did this occur?
- 28                 d.     Were you or he/she deposed?

1 e. Was there a trial?

2 f. What was the outcome of the case? Were you satisfied with the outcome?

3 g. How did this experience affect your opinion of the legal system?

4 **II. FAMILIARITY WITH CASE, PARTIES, ATTORNEYS, AND POTENTIAL**  
5 **WITNESSES**

6 *(After introductions of court staff and attorneys:)*

7 Do you, or someone close to you, know any of the court staff, lawyers, or law  
8 firms in this case?

9 11. Oracle America, Inc. is the Plaintiff in the case. Do you or anyone close to you  
10 have any specific familiarity, experience, business dealings, or association with  
11 Oracle or any of Oracle's products or services? If yes, please explain.

12 12. Oracle is a sponsor of the America's Cup Races. Is there anything about that that  
13 affects your ability to be fair to one side or the other?

14 13. Google, Inc. is the Defendant in this case. Do you or anyone close to you have any  
15 specific familiarity, experience, business dealings, or association with Google? If  
16 yes, please explain.

17 14. Do you use any of Google's products or services (e.g. Chrome or Google search  
18 engines, Google Maps, Google Docs or YouTube)? If yes, which ones? How  
19 frequently?

20 15. You will also hear about Sun Microsystems, a company acquired by Oracle. Do  
21 you or anyone close to you have any specific familiarity, experience, business  
22 dealings, or association with Sun Microsystems or any of its products? If yes,  
23 please explain.

24 **III. TECHNOLOGY COMPANIES AND CORPORATIONS**

25 16. The companies involved in this case are large technology corporations. Do you  
26 generally have an unfavorable or negative opinion about large technology  
27 companies?

28 17. How comfortable are you with new technology? Would you say you are very

comfortable, somewhat comfortable, not very comfortable, or not at all comfortable?

18. Do you read any computer or technology magazines, or subscribe to any online news sources regarding computers or technology? Which ones? Why do you subscribe to them?

19. For those of you with a smart phone, how many of you know what operating system it has?

20. For those of you who have ever had a smartphone or tablet with the Android operating system, were you satisfied or dissatisfied with how the product worked?

**IV. RELEVANT TRAINING AND EXPERIENCE**

21. Do you have any specialized knowledge or training with Java programming or the Java platform? If yes, please explain.

22. Do you having specialized knowledge or training with the Android operating system? If yes, please explain.

23. Are you familiar with Open Source Software? If yes, please explain.

24. Do you or anyone close to you have any training or work experience in mobile phones or mobile computing technology, including smart phones and tablets? If yes, please describe.

25. Do you or anyone close to you have any training or experience in any aspect of engineering? If yes, please describe.

26. Do you or anyone close to you have any training or experience in any aspect of new product development? If yes, please describe.

**V. EXPERIENCES RELATED TO BUSINESS**

27. Have you ever worked for a company that has copyrights, patents, trademarks or other forms of intellectual property? If yes, please explain.

28. Have you or anyone close to you ever entered into a licensing agreement or have any experience with licensing agreements, or worked for a company that had licensing agreements? If yes, please explain.

**VI. LAW AND THE COURTS**

29. Do you know any lawyers, judges, or people who work in the courts? If yes, who do you know and how do you know them?
30. Have you or anyone close to you ever been an expert or a consultant in a legal case of any kind?
31. Have you or anyone close to you ever had any negative experience with the justice system? If yes, do you believe that any negative feelings you have about the justice system would affect your ability to be a completely fair and impartial juror in this case?
32. Does anyone think that the court system is not the proper way to deal with lawsuits between two businesses? Would anyone have trouble serving as a juror in a dispute between two large corporations?

**VII. FINAL QUESTIONS**

33. Did you know or recognize anyone else in the jury pool before coming here today? If so, how do you know each other, and will your relationship affect you if you both end up on the jury?
34. If you are selected as juror, will you listen to the views of other jurors and work cooperatively with other jurors in order to reach a verdict?
35. Throughout the entire time you are serving as a juror or potential juror in this case, you are prohibited from conducting any independent investigation or research whatsoever regarding the parties, subject matter, witnesses or attorneys involved in the case. This means you must not use any search engines, such as Google, Bing, or Yahoo, to obtain or share any information related to this case. This also prohibits the use of any social media sites, like Facebook or Twitter and includes any communications using email, text messages, blogs, social media, or any other forms of electronic communications. To violate these instructions compromises the fairness of the trial and violates your oath as a juror.
  - a. Will anyone have difficulty following these instructions?

b. Will everyone be willing and able to promise to follow these instructions?

36. Do you think you would be a good juror in this case? Why or why not?

37. Is there anything the Court or the attorneys should know or that makes you doubt that you would be completely fair, impartial, and unbiased in this case? If there is, it is your duty to tell me at this time.

Dated: April 20, 2016

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

By /s/ Peter A. Bicks  
Peter A. Bicks

Counsel for ORACLE AMERICA, INC.

Keker & Van Nest LLP

By /s/ Robert A. Van Nest  
Robert A. Van Nest

Counsel for GOOGLE INC.

**ATTESTATION**

I attest that concurrence in the filing of the document has been obtained from each of the other Signatories.

/s/ Peter A. Bicks